

Notice of Allowability

Application No.

10/775,434

Examiner

Prabodh M. Dharia

Applicant(s)

ROBERTS ET AL.

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12-20-2006.
2. ☒ The allowed claim(s) is/are 2-8, 10, 11, 13-24 and renumbered as 1-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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1. **Status:** Please all the replies and correspondence should be addressed to Examiner's new art unit 2629. Receipt is acknowledged of papers submitted on 12-20-2006 under amendments, which have been placed of record in the file. Claims 2-8,10,11 and 13-24 are pending in this action. Applicant has cancelled claims 1, 9, 12 and 25-30.

Response to Amendment

2. Applicant has amended claims 2-8,10,11,and 13-17 by adding objected claims 5,6,11,14 and 15 limitations to independent claims limitations of 1, 9 and 12. Applicant has cancelled claims 1, 9, 12 and 25-30; Claims 2-8,10,11 and 13-24 are pending. Claims 18-24 were allowed. Applicant's arguments, see Remark, filed 12-20-06, with respect to Claims 2-8,10,11,and 13-17 regarding "A rearview mirror assembly, comprising: an information display at least partially positioned behind a reflective element with respect to an anticipated viewer; said information display comprising a negative mode, backlit, liquid crystal display having at least two characters, each of said characters has individual backlighting associated therewith, wherein said backlighting of a given character is controllable independent of backlighting of any other character; a display driver having more outputs than said liquid crystal display has characters, wherein at least one output of said display driver is used to control said backlighting; and a diffuser positioned between a backlit liquid crystal display and backlighting associated with said liquid crystal display, wherein said diffuser redirects light rays emitted by said backlighting as a function of at least one of the following; the position of said liquid crystal display relative to at least one anticipated viewer and a planar surface of said diffuser relative to a viewing angle of at least one anticipated viewer; wherein said reflective element is automatically dimming and the

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intensity of said backlit liquid crystal display is a function of the reflectivity of said automatically dimming reflective element; and wherein said reflective element is at least partially transmissive and an optimum light ray wavelength transmission of said reflective element is substantially equal to the predominant wavelength of light rays emitted from said information display” have been fully considered, searched and are persuasive as they do overcome prior art rejection; which puts application number 10775434 in condition for allowance.

3. Applicant amended the claims 2-8,10,11,and 13-17 has no new matters added to the claims. The amended claims do have support in specification.

Allowable Subject Matter

4. Claims 2-8,10,11 and 13-24 are allowed.

5. The following is an examiner’s statement of reasons for allowance:

Applicant’s argument filed on 12-20-2006 are convincing. As argued by applicant in remarks under claim rejection page 9, paragraphs 1,2 the prior art of Tonar et al. (US 2005/0007645 A1) in view of Weller et al. (US 2004/0032675 A1) fails to recite or disclose the uniquely distinct features represented by underlined bold claim below;

A rearview mirror assembly, comprising: an information display at least partially positioned behind a reflective element with respect to an anticipated viewer; said information display comprising **a negative mode, backlit, liquid crystal display having at least two**

characters, each of said characters has individual backlighting associated therewith,
wherein said backlighting of a given character is controllable independent of backlighting
of any other character; a display driver having more outputs than said liquid crystal display has characters, wherein at least one output of said display driver is used to control said backlighting; and a diffuser positioned between a backlit liquid crystal display and backlighting associated with said liquid crystal display, wherein said diffuser redirects light rays emitted by said backlighting as a function of at least one of the following; the position of said liquid crystal display relative to at least one anticipated viewer and **a planar surface of said diffuser relative to a viewing angle of at least one anticipated viewer;** wherein said reflective element is automatically dimming and the intensity of said backlit liquid crystal display is a function of the reflectivity of said automatically dimming reflective element; and wherein said reflective element is at least partially transmissive **and an optimum light ray wavelength transmission of said reflective element is substantially equal to the predominant wavelength of light rays emitted from said information display.**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prabodh M Dharia whose telephone number is 571-272-7668.

The examiner can normally be reached on M-F 8AM to 5PM.

7. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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January 21, 2007



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600